

### **Remarks**

The following remarks are responsive to the Office Action dated September 24, 2007.

At the time of the Office Action, claims 1-8 were pending. Claims 1-2 are rejected under 35 U.S.C. §103(a) as obvious over Hatakeyama (U.S. Patent No. 7,095,437) in view of Barber et al. (U.S. Patent No. 7,209,648). In addition, claims 3-4 are rejected under 35 U.S.C. §103(a) as obvious over Hatakeyama in view of Barber et al., and further in view of Schriefer (U.S. Patent Application Publication No. 2004/0023520). Claims 5-8 are rejected under 35 U.S.C. §103(a) as obvious over Hatakeyama in view of Barber et al., and further in view of Sakamoto (U.S. Patent No. 6,373,904).

The rejection of claims 5-8 is respectfully traversed, and it is believed that the rejections of claims 1-4 are rendered moot in view of the amendments to independent claim 1. The rejection of claims 5-8 will be discussed first.

#### **The 35 U.S.C. § 103(a) Rejection of Claims 5-8**

As indicated above, independent claims 5 and 8 are rejected under 35 U.S.C. §103(a) as obvious over Hatakeyama in view of Barber et al., and further in view of Sakamoto. Applicants respectfully traverse the rejection.

As admitted by the Examiner, Hatakeyama fails to teach or suggest the use of a USB drive. Nevertheless, for this feature, the Examiner relies on the teachings of Barber. In addition, the Examiner admits that Hatakeyama fails to teach or suggest the operating of cutting off power to the USB drive when data transmission is completed. For this feature, the Examiner relies on the teachings of Sakamoto.

According to the MPEP, "in order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." See MPEP 2141.01(a), see also *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Sakamoto, for example, discloses a digital broadcast receiving device. A digital broadcast receiving device belongs to set-top box technology that is used to decode video and audio signals and transmit those signals to a display device, such as a television. The present application, in contrast, relates to a digital camera, which is not in the same field of endeavor as a set-top box. As would be appreciated by one skilled in the art, a camera and a set-top box have drastically different functionalities, structure, designs, components and parts. Because of the differences between a set-top box and a camera, one skilled in the art would not look to a set-top box when evaluating features to be used in a camera.

Moreover, nowhere does Sakamoto disclose that the set-top box technology can be used in a camera, or in any devices other than a set-top box. As clearly stated in the MPEP, simply because two devices involve the use of memories does not make the two devices in the same field of endeavor. See MPEP 2141.01(a) (“Patent claims were directed to single in-line memory modules (SIMMs) for installation on a printed circuit motherboard for use in personal computers. Reference to a SIMM for an industrial controller was not necessarily in the same field of endeavor as the claimed subject matter merely because it related to memories. Reference was found to be in a different field of endeavor because it involved memory circuits in which modules of varying sizes may be added or replaced, whereas the claimed invention involved compact modular memories. Furthermore, since memory modules of the claims at issue were intended for personal computers and used dynamic random-access-memories, whereas reference SIMM was developed for use in large industrial machine controllers and only taught the use of static random-access-memories or read-only-memories, the finding that the reference was nonanalogous was supported by substantial evidence.” citing *Wang Laboratories, Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993)). Thus, the mere fact that a digital camera and a digital broadcast receiver are both electronic devices does not make the references analogous.

Furthermore, Sakamoto discloses the use of an ISO 7816 smart card. See Sakamoto, col. 5, ln. 24. The present application discloses the use of a USB drive. Similar to the camera and the set-top box, a smart card and a USB drive have drastically different functionalities, structure, designs, components and parts. Because of the unique and different properties of a smart card and a USB drive, a digital broadcast receiving device would ordinarily utilize a smart card, and not a USB drive. Similarly, a digital camera would not utilize a smart card because of the limitation in storage, structure and cost. This is evident by the fact that none of the camera related references cited by the Examiner discloses the use of smart card with a digital camera. Hence, there is no motivation for one skilled in the art to combine Sakamoto with any digital camera references.

In addition, as explained by the Examiner, Hatakeyama discloses the suspension of power supply to the storage medium controller when the memory card is removed. Thus, the suspension of power supply to the storage medium was clearly a feature that was considered by Hatakeyama. However, as admitted by the Examiner, Hatakeyama fails to disclose cutting off the power supplied to the storage medium *when transmission of data is completed*. Applicants further submit that one skilled in the art would not have found it obvious to consider unrelated/nonanalogous set-top box and smart card technology in Sakamoto pertinent to the concerns in the design of a camera as taught by Hatakeyama.

For at least the above reasons, Applicants submit that the three references cited in the rejection are either not in the same field of Applicants' endeavor (e.g., as with Sakamoto) nor are reasonably pertinent to the particular problems to which the claimed embodiments of the invention are believed to overcome as discussed above and throughout the present application. Accordingly, Applicants respectfully request that the rejection of claims 5-8 be withdrawn.

#### **The 35 U.S.C. § 103(a) Rejections of Claims 1-4**

As indicated above, claims 1-2 are rejected under 35 U.S.C. §103(a) as obvious over Hatakeyama (U.S. Patent No. 7,095,437) in view of Barber et al. (U.S. Patent No. 7,209,648). In addition, claims 3-4 are rejected under 35 U.S.C. §103(a) as obvious over Hatakeyama in view of Barber et al., and further in view of Schriefer (U.S. Patent Application Publication No. 2004/0023520). Independent claim 1 has been amended to include elements similar to those recited in independent claims 5 and 8. It is believed that independent claims 5 and 8, and dependent claims 6 and 7, should be allowable at least for the reasons discussed above. Hence, amended independent claim 1 and dependent claims 2-4, should also be allowable.

#### **Newly Added Claims 9-11**

Applicants have added new dependent claims 9-11, which each recite the feature of periodically applying power to the USB port to detect whether a USB drive is installed. Applicants submit that this feature is not suggested, disclosed, or taught in any of the references cited by the Examiner. On the contrary, Hatakeyama teaches using a switch or checking the status of a lid switch associated with the lid of the memory card chamber to detect the installation and removal of the memory card. All other references cited are silent with regard to the detection of the installation and removal of a storage device. Hence, the newly added dependent claims 9-11, should be allowable.

In re Appln. of Jang et al.  
Application No. 10/774,557  
Response to Office Action of September 24, 2007

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

/brian c. rupp/

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